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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,739	04/10/2000	David A. Block	MYTEP002	2486
7663	7590	10/06/2004	EXAMINER	
STETINA-BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656			WILLETT, STEPHAN F	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/545,739	BLOCK ET AL.
	Examiner Stephan F Willett	Art Unit 2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 July 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 24-36 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 24-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/13/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC □ 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. "Providing" is unclear since it does not indicate what is being provided to said sports teams or member.

***Claim Rejections - 35 USC ' 103***

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103□ and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 24-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al. with Patent Number 6,289,348 in view of Fleskes with Patent Number 6,529,910.

4. Regarding claim(s) 24, Richard teaches providing a first, second and third sports teams registered with the site personalized home pages as “team rosters”, col. 5, line 38. Richard teaches providing at least one member a personalized home page, col. 4, lines 59-67 and as “credit card number”, col. 4, line 67 with “schedule of events”, co. 7, lines 22-26. Richard teaches member data categorized based on individualized user home registration pages in a league to impart schedules, col. 3, 4, lines 46-48, 26-27 and 34-35. Richard teaches an interface to manage the groups, col. 4, lines 47-50. Richard teaches divisional information based on teams in a league, col. 7, lines 28-29. Richard teaches access to divisions, col. 6, lines 42-48. Richard teaches administration of league information, and website structure, col. 3, lines 59-67 and col. 4, lines 43-45, and “the host server provides information about the league to the remote users through the web page”, col. 4, lines 43-45. Richard teaches another interface of dedicated home pages created for each group, col. 4, lines 4-13, 19-25 of related home pages, program and databases, and “the system administrator is distinguished from the remote users in that the system administrator has greater priority in accessing and modifying information within the databases”, col. 3, lines 64-66 to limit and control access to pages and data. Richard teaches a “league administrator”, col. 1, line 53 and user log in, col. 8, lines 66-67. Richard teaches the invention in the above claim(s) except for explicitly teaching selective access control by a member to their home page. In that Richard operates to organize related data, the artisan would have looked to the data server arts for details of implementing organized sports team data. In that art, Fleskes, a related network data organization system teaches “a member home page”, col.

24, line 19 in order to provide the structured data. Fleskes specifically teaches “member entities ... visible only to members, etc”, col. 13, lines 16-21. Further, Fleskes suggests “sports teams”, col. 11, line 46 that will enable control of their data, except by an authorized system administrators, members or the public. The motivation to incorporate selective access insures that the system meets diverse requirements. Thus, it would have been obvious to one of ordinary skill in the art to include selective access as taught in Fleskes into the database described in the Richard patent because Richard operates with various organized teams and Fleskes suggests that optimization can be obtained with selective access. Therefore, by the above rational, the above claim(s) are rejected.

5. Regarding claim(s) 25, 27-28, Richard teaches members and groups are part of community areas, col. 6, lines 42-51, “the databases of the invention include an organization database 250” which is distinct from “a roster database 270”, col. 4, lines 22-24, “which allows many individuals to register as members of an organization”, col. 4, lines 35-36, such organization members would involve officers, volunteers, contacts, coaches, etc. and they would not be limited to only players. Richard’s database also “provides the remote user with descriptions of organizations involved ... and league logistics”, col. 4, lines 48-50. Richard also lists member data such as “experience and personal preferences”, col. 4, line 54 and other “predetermined parameters”, col. 6, lines 3-4. Organizational and facility constraints are incorporated into the database, col. 7, lines 43-44, 54-59, that does not involve player members, such as a team coach, col. 7, line 63 and none player related data, i.e. information based on volunteers col. 1, lines 56-58.

6. Regarding claim(s) 26, Richard teaches members and groups are part of leagues, col. 4,

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lines 26-27, 44-50 and a fourth team as “team rosters”, col. 5, line 38, and divisions organized by teams, league, etc., col. 1, line 53, 26.

7. Regarding claim(s) 29, Fleskes teaches access levels between members and teams, col. 13, lines 16-21.

8. Regarding claim(s) 30-33, Richard teaches facilitating new member invitations that a non-member can accept, col. 9, lines 8-10, 27-28, 36-39 and the group that a home page is dedicated is provided access by invitation, to for example to a multiple of pages, one page being related to personalized products for a group, etc. col. 9, lines 8-10, 36-39.

9. Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al. with Patent Number 6,289,348

10. Regarding claims 30-33, the Richard patent discloses the method of the preceding claims. The Richard patent does not explicitly disclose various invitation schemes. However, Official Notice is taken MPEP 2144.03 (a)) that sending, resending, reciprocating invitations is well known in the art to insure the pushing of data. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to use various invitations to obtain the advantages of communicating with members. By the above rational, the claim is rejected.

11. Regarding claim(s) 34-35, Richard teaches administrator control to send additional information as “the system administrator is distinguished from the remote users in that the system administrator has greater priority in accessing and modifying information within the databases”, col. 3, lines 64-66 to limit and control access to pages and data. Richard teaches a

“league administrator”, col. 1, line 53 and user log in, col. 8, lines 66-67. .

12. Regarding claim(s) 36, Richard teaches a child member in a youth sports teams, col. 1, lines 27, 56 and Fleskes at col. 10, line 1.

***Response to Amendment***

1. Based on the new grounds for rejection the applicants arguments are moot. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.
2. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.
3. Applicant suggests Richard does not teach “personalized home page, sports teams and members”, Paper dated 7/12/04, page 11, lines 2-3. However, Richard teaches “team rosters”, col. 5, line 38, not just one roster, and providing at least one member a personalized home page, col. 4, lines 59-67 and as “credit card number”, col. 4, line 67. The references should not be read in a vacuum, the teachings are not mutually exclusive, and must be taken in context of what was reasonable based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. The descriptions in the reference is not obfuscated by the numerous other suggested usages of said description in the reference. In addition, implicitly, impliedly and inferentially, various groups are taught and language identical or verbatim is not required in an obvious rejection. Note that reasonable “inferences”, and “common sense” may be considered in formulating rejections for obviousness. Specifically, *In re Preda*, 401 F.2d 825, 159 USPQ 342,

344 (CCPA 1968) states “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Also, *In re Bozek*, 416 F.2d 738, 163 USPQ 545, 549 (CCPA 1969) states that obviousness may be concluded from “common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference”. Additionally, see *In re Gauerke*, 24 CCPA 725, 86 F.2d 330, 31 USPQ 330, 333 (CCPA 1936), and *In re Libby*, 45 CCPA 944, 255 F.2d 412, 118 USPQ 94, 96 (CCPA 1958), and *In re Jacoby*, 309 F.2d 738, 125 USPQ 317, 319 (CCPA 1962), and *In re Wiggins*, 488 F.2d 538, 543, 1979 USPQ 421, 424 (CCPA 1973).

4. Applicant suggests “the cited language does not refer to selectively controlling the access to a home page”, Paper dated 7/12/04, page 11, lines 11-12. However, Richard teaches another interface of dedicated home pages created for each group, col. 4, lines 4-13, 19-25 of related home pages, program and databases, and “the system administrator is distinguished from the remote users in that the system administrator has greater priority in accessing and modifying information within the databases”, col. 3, lines 64-66 to limit and control access to pages and data. Richard teaches a “league administrator”, col. 1, line 53 and user log in, col. 8, lines 66-67 with “credit card number”, col. 4, line 67. Clearly a member providing their credit card number, among other information, will be selectively limiting access to said provided information, as well as will the system administrator will be limiting access for the member. In any event, Fleskes provides the requisite details of legacy type selective access to information. The references should not be read in a vacuum, the teachings are not mutually exclusive, and must be taken in context of what was reasonable based on the subject matter as a whole as would have been

understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. The descriptions in the reference is not obfuscated by the numerous other suggested usages of said description in the reference. In addition, implicitly, impliedly and inferentially, various groups are taught and language identical or verbatim is not required in an obvious rejection. Note that reasonable "inferences", and "common sense" may be considered in formulating rejections for obviousness. Specifically, *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) states "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." Also, *In re Bozek*, 416 F.2d 738, 163 USPQ 545, 549 (CCPA 1969) states that obviousness may be concluded from "common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference". Additionally, see *In re Gauerke*, 24 CCPA 725, 86 F.2d 330, 31 USPQ 330, 333 (CCPA 1936), and *In re Libby*, 45 CCPA 944, 255 F.2d 412, 118 USPQ 94, 96 (CCPA 1958), and *In re Jacoby*, 309 F.2d 738, 125 USPQ 317, 319 (CCPA 1962), and *In re Wiggins*, 488 F.2d 538, 543, 1979 USPQ 421, 424 (CCPA 1973).

***Conclusion***

1. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. The other references cited teach numerous other ways to organize team data, thus a close review of them is suggested. A close review of Brown et al. with Patent Number 5,941,947 and Day et al. with Patent Number 6,684,212 is suggested.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP  706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

2. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the

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organization where this application or proceeding is assigned is (703) 746-7239.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

September 27, 2004



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER